

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security     Assumption of Executory Contract or Unexpired Lease     Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-29782  
Michael J. Carbotti and Joanne M. Carbotti Debtor(s) Judge: Michael B. Laplan

**Chapter 13 Plan and Motions**

☒ Original    ☐ Modified/Notice Required    Date: 10/27/2019  
☐ Motions Included    ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: BFO'M    Initial Debtor: MJC    Initial Co-Debtor: JMC

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 1,000.00 per month to the Chapter 13 Trustee, starting on  
October 1, 2019 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Co-debtor's retirement income

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

b. Adequate protection payments will be made in the amount of \$ 1,495.63 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Village Capital Investment LLC (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

[illegible]☒ None

| Creditor | Type of Priority   | Claim Amount | Amount to be Paid |
|----------|--|--------------|-------------------|
|          | Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount. |              |                   |



**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
|          |                            |           |                            |   |  |

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
|          |                            |           |                            |   |  |

**c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

| Name of Creditor | Collateral | Interest Rate | Amount of Claim | Total to be Paid through the Plan Including Interest Calculation |
|------------------|------------|---------------|-----------------|--|
|                  |            |               |                 |  |

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
|          |            |                |                        |                |  |                      |                         |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
|          |                              |                                 |                          |

**f. Secured Claims Unaffected by the Plan** ☐ NONE

The following secured claims are unaffected by the Plan:

1. Ally, auto loan
2. Village Capital Investments LLC, mortgage
3. NJ Division of Pensions and Benefits, Pension loan

**g. Secured Claims to be Paid in Full Through the Plan:** ☐ NONE

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|--|
|          |            |  |

**Part 5: Unsecured Claims** ☐ NONE

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 54,000.00 to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☐ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

| Creditor                         | Basis for Separate Classification | Treatment   | Amount to be Paid |
|----------------------------------|-----------------------------------|-------------|-------------------|
| 1. IRS                           | Non-dischargeable claim           | Pay in full | 5,850.00          |
| 2. NJ Division of Taxation       | Non-dischargeable debt            | Pay in full | 5,785.00          |
| 3. City of Philadelphia          | Non-dischargeable debt            | Pay in full | 993.00            |
| 4. City of New York Finance Dept | Non-dischargeable debt            | Pay in full | 405.00            |

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

| Creditor | Arrears to be Cured in Plan | Nature of Contract or Lease | Treatment by Debtor | Post-Petition Payment |
|----------|-----------------------------|-----------------------------|---------------------|-----------------------|
|          |                             |                             |                     |                       |

**Part 7: Motions ☒ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
|          |                      |              |                |                     |                             |   |                              |



**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor's Interest in Collateral | Total Amount of Lien to be Reclassified |
|----------|------------|----------------|------------------------|----------------|--|---|
|          |            |                |                        |                |  |   |

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|----------------|------------------------|-----------------------------|--|
|          |            |                |                        |                             |  |

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Trustee's standard order of doistribution \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

**d. Post-Petition Claims**

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☒ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 10/27/2019

/S/Michael J. Carbotti  
Debtor

Date: 10/27/2019

/S/Joanne M. Carbotti  
Joint Debtor

Date: 10/27/2019

/S/Brian F. O'Malley  
Attorney for Debtor(s)

**Certificate of Notice Page 11 of 12**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Michael J. Carbottti  
 Joanne M. Carbottti  
 Debtors

Case No. 19-29782-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 44

Date Rcvd: Oct 30, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 01, 2019.  
 db/jdb

+Michael J. Carbottti, Joanne M. Carbottti, 142 Lions Head Boulevard South,  
 Brick, NJ 08723-7823  
 518520739 BP Visa Signature Credit Card/Synchrony, Bankruptcy Department, PO Box 965060,  
 Orlando, FL 32896-5060  
 518520744 +Capital One/ Sachs Ffth Avenue, 3455 Highway 80 West, Jackson, MS 39209-7202  
 518520747 +Chase Cardmember Service, PO Box 1423, Charlotte, NC 28201-1423  
 518520749 +Costco Visa By Citi, PO Box 9001016, Louisville, KY 40290-1016  
 518520750 +Credit First NA, PO Box 81344, Cleveland, OH 44188-0001  
 518520751 +Department of Education, PO Box 2837, Portland, OR 97208-2837  
 518520754 EZ Pass Violation Processing, PO Box 52005, Newark, NJ 07101-8205  
 518520755 +First National Bank Omaha, PO Box 2557, Omaha, NE 68103-2557  
 518520756 First Premier Bank, PO Box 5619, Sioux Falls, SD 57117-5519  
 518520757 First Premier Bank, Credit Card department, PO Box 5519, Sioux Falls, SD 57117-5519  
 518520761 +Lord and Taylor, PO Box 71106, Charlotte, NC 28272-1106  
 518520763 +Macys, PO Box 183083, Columbus, OH 43218-3083  
 518520765 +New Jersey Division of Pensions, and Benefits, 50 West State Street,  
 Trenton, NJ 08608-1220  
 518520766 +New Jersey Turnpike Authority, P.O. Box 4971, Trenton, NJ 08650-4971  
 518520767 New York City Department of Finance, Church Street Station, PO Box 3640,  
 New York, NY 10008-3640  
 518520772 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Division of Taxation, PO Box 187,  
 Trenton, NJ 08695)  
 518520775 TD Bank Visa, PO Box 100290, Fenwick, WV 26202-3290  
 518520777 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Financial Services, PO Bx 5855, Carol Stream, IL 60197)  
 518520773 +Target Card Services, Box 660170, Dallas, TX 75266-0170  
 518520778 +USAA, 10750 McDermott Freeway, San Antonio, TX 78288-1600  
 518520779 +Village Capital & Investments LLC, 2863 Saint Rose Parkway, Henderson, NV 89052-4806

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg

E-mail/Text: usanj.njbankr@usdoj.gov Oct 30 2019 23:56:52 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 30 2019 23:56:49 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 518520738 +E-mail/Text: ally@ebn.phinsolutions.com Oct 30 2019 23:54:08 Ally, PO Box 380902,  
 Minneapolis, MN 55438-0902  
 518520748 E-mail/Text: megan.harper@phila.gov Oct 30 2019 23:57:14 City of Philadelphia,  
 1401 John F. Kennedy Boulevard, Suite 1330, Philadelphia, PA 19102  
 518520740 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 31 2019 00:04:52 Capital One,  
 PO Box 85619, Richmond, VA 23285-5619  
 518520741 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 31 2019 00:04:52 Capital One,  
 PO Box 71083, Charlotte, NC 28272-1083  
 518520742 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 31 2019 00:03:19  
 Capital One Platinum Mastercard, PO Box 30285, Salt Lake City, UT 84130-0285  
 518520745 E-mail/PDF: gecsedirecoverycorp.com Oct 31 2019 00:03:10 Care Credit, Synchrony Bank,  
 PO Box 960061, Orlando, FL 32896-0061  
 518520752 E-mail/Text: mrdiscen@discover.com Oct 30 2019 23:55:53 Discover, PO Box 3008,  
 New Albany, OH 43054-3008  
 518530600 E-mail/Text: mrdiscen@discover.com Oct 30 2019 23:55:53 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 518520759 +E-mail/Text: cio.bncmail@irs.gov Oct 30 2019 23:56:09 IRS, Central Insolvency,  
 PO Box 7346, Philadelphia, PA 19101-7346  
 518520760 +E-mail/Text: bncnotices@becket-lee.com Oct 30 2019 23:55:58 Kohls, PO Box 2983,  
 Milwaukee, WI 53201-2983  
 518539739 E-mail/PDF: resurgentbknofications@resurgent.com Oct 31 2019 00:03:34 LVNV Funding, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 518520762 +E-mail/PDF: gecsedirecoverycorp.com Oct 31 2019 00:03:08 Lowes, PO Box 1111,  
 North Wilkesboro, NC 28659-1111  
 518520764 +E-mail/PDF: MerrickBKNofications@Resurgent.com Oct 31 2019 00:03:56 Merrick Bank,  
 PO Box 660175, Dallas, TX 75266-0175  
 518520770 +E-mail/PDF: gecsedirecoverycorp.com Oct 31 2019 00:04:41 Paypal Credit, PO Box 105658,  
 Atlanta, GA 30348-5658  
 518522064 +E-mail/PDF: gecsedirecoverycorp.com Oct 31 2019 00:03:51 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 518520774 E-mail/Text: bankruptcy@td.com Oct 30 2019 23:56:56 TD Bank NA, PO Box 84037,  
 Columbus, GA 31908  
 518520776 +E-mail/PDF: gecsedirecoverycorp.com Oct 31 2019 00:04:41 TJX Mastercard, PO Box 530949,  
 Atlanta, GA 30353-0949  
 518520781 E-mail/Text: vci.bkcy@vwcredit.com Oct 30 2019 23:57:01 VW Credit,  
 1401 Franklin Boulevard, Libertyville, IL 60048

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 44

Date Rcvd: Oct 30, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

518520782 +E-mail/PDF: gecsed@recoverycorp.com Oct 31 2019 00:03:09 Walmart,  
702 Southwest 8th Street, Bentonville, AR 72716-6299  
518520783 E-mail/PDF: gecsed@recoverycorp.com Oct 31 2019 00:03:09 Walmart Mastercard/Synchrony Bank,  
Bankruptcy Department, PO Box 965060, Orlando, FL 32896-5060

TOTAL: 22

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

518520768 NJ CLASS  
518520769 NJHESAA, 4 Quakerbridge Plaza, PO Box 544, VI 00862-5000  
518520780 Volkswagen Motor Credit  
518520743\* Capital One Platinum Mastercard, PO Box 30285, Salt Lake City, UT 84130-0285  
518520746\* +Care Credit/Synchrony Bank, PO Box 960061, Orlando, FL 32896-0061  
518520753\* ++DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025  
(address filed with court: Discover, PO Box 3008, New Albany, OH 43054-3008)  
518520758\* First Premier Bank, PO Box 5619, Sioux Falls, SD 57117-5519  
518520771\* +Paypal Credit, PO Box 105658, Atlanta, GA 30348-5658

TOTALS: 3, \* 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 01, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 30, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Brian F. O'Malley on behalf of Joint Debtor Joanne M. Carbotti momalley14@aol.com  
Brian F. O'Malley on behalf of Debtor Michael J. Carbotti momalley14@aol.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4